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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,794	02/13/2002	Walter Brandenburger	22750/536	9150

26646 7590 09/17/2003

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EXAMINER
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CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/075,794

Applicant(s)

BRANDENBURGER, WALTER

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of the following informalities. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

- a. Reference character  $P_R$  (page 5, line 20) is not on the drawings.
- b. Pressure  $P$  is not on the drawings (page 5, line 21) ( $P_z$  is).
- c. Contrary to page 7, lines 28-29 throttle 18 is not in line 63 in the drawings.
- d. Reference character  $P$  is used to refer to both a curve at page 5, line 21 and a connection at page 8, line 1; a reference character should only refer to one part of the invention.

### *Specification*

2. The disclosure is objected to because of the following informalities: The specification should not refer to the claims in describing the invention (note page 3, line 27, where the preamble is referred to).

Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is support for claim 13 (switching in stages with a difference of up to 50 bar)..

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with instances of indefinites, vague limitations and lack of antecedent basis and should be carefully rewritten. Some examples are:

- a. In claim 11, line 3 “extremely variable” is indefinite (what defines extreme).

Note also claim 14.

- b. There is lack of antecedent basis for:

Claim 11 -

“their pressure chambers” in lines 4-5, and “the spring cylinders” , “the low load range” and “the front axle” in the last two lines (the spring cylinders seems to be a double inclusion of the hydraulic cylinders previously recited in the claim).

Claim 12 -

“the high load range”.

Claim 14 -

“the pressure line” and “the inlet line”.

Claim 15 -

“the higher regulating stage”.

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Claims 16-24 –

“the pressure sensor”, “the control line”, “the regulating spring”, “the inlet line”, and “the non-return valve”.

Claims 25-30 –

“the connection”, “the connecting line”, “the non-return valve”, “the inlet lines”.

c. Claim 14 is improper because it is an article claim (“A device” in line 1) but depends from a method claim (claim 11), hence confusing which statutory class of invention the claim falls into.

d. Claim 14 is also improper because it contains double inclusions of parts already recited in claim 11 (i.e., “spring cylinders” were already recited in claim 11, etc.)

e. Throughout the claims, it is not clear what the spring cylinders are from the disclosure (i.e., if these are the double acting hydraulic cylinders, then this is a double inclusion).

f. In claim 11, it is not clear what is meant by “a predefined ratio” near the end of the claim (there is no disclosure of a predefined ratio in the specification).

g. In claim 15, “double reversal” is not understood.

***Allowable Subject Matter***

6. Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to positively include the limitations it appears to be attempting to recite currently.

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7. Claims 12-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims and to positively include all the limitations it appears to be attempting to recite currently.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haupt and German 4,127,801 are cited to show double acting cylinders in hydropneumatic suspensions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth  
Primary Examiner  
Art Unit 3616

*Eric Culbreth*  
9/15/03

ec